

REMARKS

Claims 1-15 and 18-25 are pending in the current application, all of which were rejected in the subject Office Action. Reexamination and reconsideration of all claims is respectfully requested.

Claim 14 was further objected to for reasons relating to absent antecedent basis in the claim. Applicants acknowledge Examiner's objection and Claim 14 will be amended as suggested in the event such claim is otherwise allowable following the re-consideration of the §103 rejection hereby solicited.

§ 102

Takano

The Office Action rejects claims 1-7, 9, 11 and 18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,012,077 ("Takano"). Applicants respectfully traverse these rejections.

In the Office Action, Examiner incorrectly rejects the foregoing claims based on the assertion that Takano teaches, among other things, of a first card identification number and a second card identification number, the latter of which can be mapped or translated into the first. Takano does not disclose or teach of the use of two card identification numbers, which can be mapped or translated to one another. The Office Action states that "the debit card . . . serv[es] as a second card identifier" and that a "transaction [is] assigned with a unique account number serving as the first card identification number." This description mistakes a transaction-specific number in Takano for a card identification number as described and claimed in the present application. As a result, the Office Action mischaracterizes Takano in a way inconsistent with its teaching and misses the distinct feature of the first and second card identification numbers of the present invention. In the present invention, the first and second card identification numbers are created such that they are mappable or translatable from one to the other, such that one can be used over a first network and the second number used over a second network (e.g. the conventional bank network and a Internet connection/network). See, for example, page 27, lines 1-5, of the pending specification, where reference is made to FIG. 6 and steps 604 and 606

specifically. Takano does not teach to this type of conjugation between two card identification numbers used or translatable from one to the other.

In further reference to Takano, and in arguing against the rejection, Applicants also challenge whether Takano discloses and teaches of a first and a second network as contemplated and claimed in the present application. In the Office Action Examiner points to a connection between the card reader and POS device of Takano as one “network,” and the banking system serving as the other network (see. Pg. 3, line 6 of the Office Action). This representation of Takano is erroneous in describing the connection between the card reader and the POS device as a network. Nowhere in Takano is the term network used, so one must rely on inferring from the description of Takano where, if at all, a network is described as claimed in present invention. The presently claimed invention relates and describes a network as set forth in the specification and more particularly in reference to FIG 1. In FIG. 1 of the pending application, banking network 112 is clearly shown as one network means of communicating from POS terminal (102) and/or ATM device (116) to the server; and FIG. 1 further shows the Internet as an alternate network means providing these communications or connectivity. Thus, and without limiting the present invention to only the banking network or Internet network described, it can fairly be said that Takano does not teach of a first and second network of this sort. That the reference in Takano to a connection to a credit card center (col. 3, line 37 et seq.) is a “network” is reasonable; however, such is not the case regarding the connection between the card reader and POS terminal of Takano. First, this connection is akin to a peripheral to a host device, and is not a comparable network connection to that of the bank center. Second, in the present invention the POS terminal and any card reader or similar device attached thereto is considered a single device as it relates to the processing steps of the present invention, which negates an inference from Takano that the card reader/POS device connection is a network as claimed. Third, and finally, the network connections referred to and claimed in the present application are both from the POS (or ATM) to the connected system, as shown in FIG. 1; whereas in Takano, of the two connections inferred as “networks” only one is connecting the POS terminal (see Takano FIG. 3). Thus, when viewing FIG. 3 of Takano it becomes evident that there is only one analogous “network” described in Takano, that of the bank center connected to the card reader/POS terminal together viewed as a unit.

In light of the foregoing arguments, Applicants maintain that Takano is not prior art to the invention claimed in the present application. Thus: Claim 1 is allowable since Takano does not disclose the limitation of Claim 1 of “a second card identification number able to be mapped or translated into the first card identification number”; and Claim 2 is allowable because Takano does not teach of a first and second networks for receiving information. Moreover, Claims 3-14 are allowable, as each depends, either directly or indirectly, from either Claim 1 or Claim 2 and thereby incorporates the claim limitations thereof.

Abecassis

The Office Action further rejected claims 19, 20 and 22-25 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,426,281 (“Abecassis”). Applicants respectfully traverse these rejections.

With specific reference to Abecassis, Applicants point out that the present invention as claimed in independent claim 19 requires and includes the limitation of a pre-authorization request which includes payment-specific authentication information. Abecassis does not teach of such an element in processing a pre-authorization of a payment. Moreover, a pre-authorization request incorporates a payment-specific authentication number or “PAN” (see page 33, lines 13-15 of pending specification), and a PAN is a specifically computed number or identification string, the details of which are described at page 31 et seq. of the pending specification. Independent claim 22 also requires payment-specific authentication information. The use of the pre-authorization and payment-specific authentication information, specifically the included component of a PAN, is not described or taught by Abecassis. To the contrary, Abecassis focuses on detailing a traditional hard signature method for transaction verification and does not contemplate pre-authorization, nor the use of digital signature methods with pre-authorization requests.

In light of the omitted teachings of Abecassis relating to pre-authorization requests and the use of payment specific authentication information, including a PAN, it is respectfully submitted that independent claims 19 and 22 are allowable. Moreover, because each of the claim limitations of Claim 19 are incorporated into

Claim 20, and each of the claim limitations of Claims 22 are incorporated into claims 23-25, it is also respectfully submitted that Claims 20 and 23-25 are also allowable.

§ 103

Takano/Fukatsu (Claims 8, 13 and 15) and Takano/Fukatsu/Kano (Claims 10, 12 and 14)

Without specific reference to the teaching of U.S. 5,302,811 (“Fukatsu”), and in light of the arguments made above with regard to Takano, it is submitted that Claims 8, 13 and 15 are allowable over the obviousness rejections because Takano does not teach of the limitations contained in the independent Claim 1 from which claims 8, 13 and 15 depend. As such, and without admission as to the teachings of Fukatsu, the obviousness rejection of Fukatsu in light of Takano fails due to the inadequacies of Takano as prior art.

Additionally, claims 10, 12 and 14 were also rejected for obviously based on Takano, as modified by Fukatsu and further in view of U.S. Patent 4,408,802 (“Kano”). Similar to Fukatsu however, and without admission as to the teachings of Kano, the obviousness rejection of Kano in light of Takano/Fukatsu fails due to the inadequacies of Takano as prior art as argued above.

Moreover, and notwithstanding the foregoing, Applicants further contends there is no motivation within either Fukatsu or Kano to combine Takano with either of the foregoing, and that it is only through the use of impermissible hindsight that Applicants’ claims may be constructed from the reference and purported knowledge in the art. Such hindsight reconstruction of the invention is impermissible. *In Re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991); *In Re Laskowski*, 871 F.2d 115, 117 (Fed. Cir. 1989); *see also, Ex Parte Lange*, 72 U.S.P.Q. 90, 91 (C.C.P.A. 1947).

Abecassis/Ordinary skill in the art

The Office Action makes a rejection based on § 103 wherein the Examiner asserts, without support or reference, that “it would have been an obvious to one skilled in the art at the time” to have included the element which the examiner acknowledges is not taught by Abecassis. In such rejection, the Office Action does not refer to or utilize any reference to indicate that such technique was well known,

such that it would be obvious. Accordingly, to the extent the Office Action relies in part on purported knowledge of one skilled in the art at the time of the invention, in accordance with 37 C.F.R. § 1.104(d)(2) and to preserve Applicants' argument on appeal, Applicants request that the Examiner provide an affidavit that supports the rejection of any claims based on the official notice, common knowledge, or personal knowledge of the Examiner, or provide a reference demonstrating the purported common knowledge.

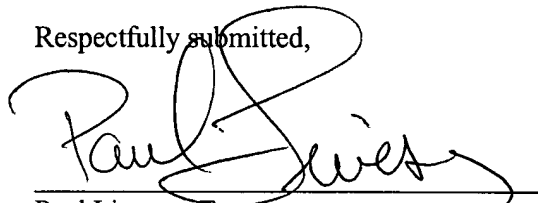
CONCLUSION

In view of the foregoing, it is respectfully submitted that all claims currently pending are allowable. Reexamination and reconsideration of all of the claims is respectfully requested and allowance of all the claims at an early date is solicited.

Please finally note that the correspondence address for this case has changed. Applicants request that all future correspondence in this case be sent to address listed below.

Should it be determined for any reason an insufficient fee has been paid, please charge any insufficiency to ensure consideration and allowance of this matter to Deposit Account 502026.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Livesay", written over a horizontal line.

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